



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,539	02/09/2004	Nui Wang	POF 3.9-057 CONT	3237
530	7590	11/18/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			BUTLER, DOUGLAS C	
		ART UNIT	PAPER NUMBER	
			3683	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No.	Applicant(s)
	10/776,539	WANG, NUI
Examiner	Art Unit	
Douglas C. Butler	3683	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 September 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11, 14 is/are rejected.

7) Claim(s) 12 and 13 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Applicant's WO 03/014588 A1 is cited to complete the record. The two documents from the report and European report are made of record by the examiner in attached Form PTO-892. Also, DE 4210828 and the U.S. counterpart (US 6325182) for DE 19913939 are made of record.
3. Claim 1, line 12 "the" before "rear" should be changed to --a--. Claim 4, line 2 "*is arranged*" *arranged*" should be --is arranged--.
4. The Abstract should be within the 50-150 word range. MPEP 608.01(b).
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of "anchor bracket" of claim 1, lines 1-2, claim 14, lines 1-2 and the "bridge section" of claim 1, line 3, claim 14, line 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

Art Unit: 3683

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. Claims 1 and 14 appear to be substantially duplicate claims.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-3, 8/2, 8/3, 9/2, 9/3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al (US 4,602,702).

See Fig. 5 of Ohta et al with caliper 104, piston 107 which is readable as the "hydraulic service brake actuator" while element 220 is readable as the "electric parking brake actuator". The electric parking brake actuator 220 of Fig. 5 of Ohta et al indirectly

Art Unit: 3683

acts on the rear of the brake pad 102, 102a by way of intermediate parts 225, 221, 107a.

10. Claims 1-3, 8/2, 8/3, 9/2, 9/3, 10/9/2, 10/9/3, 11/10/9/3, 11/10/9/2, 14 are rejected under 35 U.S.C. 102(b) as being anticipated by ^{Schenk} Schenk et al (5,090,518).

See column 4, lines 9-16 of Schenk et al which disclose that one of the electric brake actuators 24, 26 of Fig. 1 of Schenk et al may be replaced with a hydraulic brake actuator in order to have a hybrid brake system. A hybrid brake system is one using two different types of brake actuators. Re the "service" and "parking" limitations of the claims, either one of the actuators is readable as such.

11. Claims 4-6, 8/4, 8/5, 8/6, 9/4, 9/5, 9/6, 10/9/4, 10/9/5, 10/9/6, 11/10/9/4, 11/10/9/5, 11/10/9/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenk et al.

Re the location of the hydraulic actuator relative to the electric actuator, it would have been obvious at the time the invention was made to one having ordinary skill in the art to arrange the actuators as desired to arrange the elements to save space and to use in the most optimum manner the brake actuators.

12. Claims 7, 8/7, 9/7, 10/9/7, 11/10/9/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warwick et al (3342291) in view of Schenk et al.

Re the feature of claim 7 directed to the use of a pair of hydraulic brake actuators, it would have been obvious to modify the dual hydraulic brake arrangement of Fig. 2 of Warwick et al with its intermediate mechanical actuator 24, 40 to replace the mechanical actuator with an electric actuator similar to that of Schenk et al, since such

Art Unit: 3683

modification involves replacing one well known type of brake actuator with an equivalent type of brake actuator. The assemblies operate in substantially the same manner with substantially the same effect.

13. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. Note Eddy, Jr. (5148894) and Swift (3,433,333).
15. Any inquiry concerning this communication should be directed to Exmr Butler at telephone number (703) 308-2575.


11-12-04
DOUGLAS C. BUTLER
PRIMARY EXAMINER


Butler/vs
November 10, 2004